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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,318	02/13/2004	Emre Baris Aksu	944-001.103-5	5213

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EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/779,318	<b>Applicant(s)</b> AKSU ET AL.	
	<b>Examiner</b> Alina N. Boutah	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/6/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2004/0010614 my Mukherjee et al. (hereinafter referred to as Mukherjee).

Regarding claim 1, Mukherjee teaches a method for signaling and negotiation between a client and a server in a multimedia streaming service, wherein a plurality of adaptation mechanisms or capabilities for use in the service for data delivery are supported by the client, each adaptation mechanism or capability having an attribute, said method comprising:

the client providing information indicative of the attributes defining the adaptation mechanisms or capabilities that are supported by the client [abstract; 0030, 0076; figure 3B];

the server selecting one or more of the attributes based on the provided information [abstract; 0030, 0076; figure 3B]; and

the server providing further information indicative of the selected attributes so as to allow the client to know the one or more adaptation mechanisms or capabilities defined by the one or more attributes selected by the server [0030, 0076; figure 3B].

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Regarding claim 2, Mukherjee teaches the method of claim 1, wherein the client provides the information via a capability exchange mechanism [0030].

Regarding claim 3, Mukherjee teaches the method of claim 1, wherein the client provides the information via a multimedia streaming control protocol [abstract; 0007].

Regarding claim 4, Mukherjee teaches the method of claim 1, further comprising the server providing indication of a capability to the client prior to the client providing information [abstract].

Regarding claim 5, Mukherjee teaches a method for signaling and negotiation between two parties including a client and a server in a multimedia streaming service, wherein a plurality of adaptation mechanisms or capabilities for use in the server for data delivery are supported by the client, each adaptation mechanism or capability having an attribute, said method comprising:

providing by one of the two parties to the other of the two parties information indicative of one or more adaptation mechanisms or capabilities [abstract; 0030, 0076; figure 3B]; and

conveying a message from said other party to said party, in response to the information, acknowledging supporting of said one or more adaptation mechanisms or capabilities [abstract; 0030, 0076; figure 3B].

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Regarding claim 6, Mukherjee teaches the method of claim 5, wherein said one party is the server and the other party is the client, and wherein the client acknowledges support by using the attributes defining said one or more adaptation mechanisms or capabilities in the responding message [figure 9].

Regarding claim 7, Mukherjee teaches the method of claim 5, wherein said one party is the client and the other party is the server, and wherein the client provides a plurality of attributes [abstract; 0030, 0076; figure 3B]; and the server selects one or more of the provided attributes based on the provided information for acknowledging the support [abstract; 0030, 0076; figure 3B].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

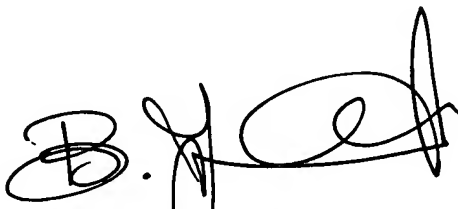
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*ANB*

ANB

  
BUNJOB JAROENCHONWANIT  
PRIMARY EXAMINER